

ASSEMBLY BILL

No. 25

**Introduced by Assembly Member Nunez
(Coauthor: Assembly Member Leno)**

December 2, 2002

An act to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as introduced, Nunez. State agencies: identification cards.

Existing law authorizes the Department of Motor Vehicles to issue an identification card to any citizen resident in the state or to any other resident of the state who submits satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would require state agencies to accept as valid identification of a person, a photo identification card issued by another nation to its citizens or nationals, subject to specified exceptions, if (1) the issuing country authorizes the use of the card as an alternative to a passport for reentry into the issuing country, (2) the card has a photograph of the person and the person's date of birth, and (3) the card meets other standards established by the Director of Motor Vehicles.

The bill would also require the head of each state agency to issue appropriate notification and instructions to members of the agency of these requirements and would require the director to investigate complaints by any person that any officer or employee of a state agency has failed to comply with these requirements. The bill would require the director to make an annual report to the Governor and the Legislature

of the number of complaints received and the outcome of the investigations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 11024) is added to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 2.5. Identification

11024. When requiring members of the public to provide identification, each state agency shall accept as valid identification of a person, a photo identification card issued by a foreign nation to its citizens or nationals, if the card meets all of the following requirements:

(a) The issuing nation authorizes the use of the card as an alternative to a passport for reentry into the issuing nation.

(b) The card has a photograph of the person and the person's date of birth.

(c) The card meets standards established by the Director of Motor Vehicles to ensure that (1) the applicant was required to provide reliable identifying information in order to obtain the card, and (2) the card has features reasonably designed to protect against fraud and counterfeit reproduction.

11025. The Director of Motor Vehicles shall compile and make readily available to state agencies a list of the identification cards and the issuing nations that the director has determined meet the requirements of this article. Any state agency and any member of the public may request the director to review an identification card for compliance with this article.

11026. This article shall not apply under circumstances where a federal or state statute, administrative regulation or directive, or court decision requires the state agency to obtain different identification, a federal or state statute or administrative regulation or directive preempts state regulation of identification requirements, or the state agency would be unable to comply with

1 a condition imposed by a funding source that would cause the state
2 to lose funds from that source.

3 11027. (a) Nothing in this article is intended to prohibit state
4 agencies from doing either of the following:

5 (1) Asking for additional information from individuals in order
6 to verify a current address or other facts that would enable the
7 agency to fulfill its responsibilities. However, this paragraph does
8 not authorize a state agency to require additional information in
9 order to establish identification of the person.

10 (2) Using fingerprints for identification purposes under
11 circumstances where the state agency also requires fingerprints
12 from persons who have a driver's license or state identification
13 card pursuant to Article 5 (commencing with Section 13000) of
14 Chapter 1 of Division 6 of the Vehicle Code.

15 (b) No state agency is required to accept an identification card
16 under this article if it has reasonable grounds for determining that
17 the identification card provided by an individual is counterfeit,
18 altered, improperly issued to the cardholder, or otherwise not an
19 accurate identification.

20 11028. (a) The head of each state agency shall issue
21 appropriate notification and instructions to members of the agency
22 of the requirements of this article.

23 (b) If any person believes that any officer or employee of a state
24 agency has failed to comply with the requirements of this article,
25 that person may file a complaint with the Director of Motor
26 Vehicles. The director shall investigate the complaint and shall
27 report the findings to the appropriate head of the state agency.

28 (c) The Director of Motor Vehicles shall make an annual report
29 to the Governor and the Legislature of the number of complaints
30 received and the outcome of the investigations.

31 (d) Where there is a conflict between this article and any other
32 provision of law in effect at the time that this article is enacted, the
33 provisions of this article shall prevail.

34 (e) In undertaking the adoption and enforcement of this article,
35 the state is assuming an undertaking only to promote the general
36 health and welfare of its residents. The state is not assuming, nor
37 is it imposing on state officers and employees, an obligation for
38 any breach of any requirements pursuant to this article for which
39 the state is liable in money damages to any person who claims that
40 the breach proximately caused injury.

1 11029. The provisions of this article are severable. If any
2 provision of this article or its application is held invalid, that
3 invalidity shall not affect other provisions or applications that can
4 be given effect without the invalid provision or application.

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